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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/724,807

12/01/2003

Tim Schnell

5034-002

3683

24112 7590 04/10/2009

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EXAMINER

TORRES, ALICIA M

ART UNIT

PAPER NUMBER

3671

MAIL DATE

DELIVERY MODE

04/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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10724807	12/1/2003	SCHNELL, TIM	5034-002

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EXAMINER

ALICIA M. TORRES

ART UNIT	PAPER
3671	20090402

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Commissioner for Patents

This Examiner's Answer is in response to the Appeal Brief filed 8 March 2007 and to the Order Remanding to Examiner filed 16 December 2008.

It is noted that the current appeal does not fit the Ex Parte Ghuman fact pattern in that the Notice of Appeal expressly sets forth that all claims rejected are subject to appeal. While the Appeal Brief states that claims 18 and 19 are not appealed, the Notice of Appeal controls. Therefore, claims 18 and 19 have not been cancelled and appellant, by not providing arguments negating the examiner's rejection on prior art, concedes these claims as being unpatentable over the art applied.

Appellant is give a period of TWO MONTHS from the date of this letter to file any Reply Brief.

/Alicia M Torres/
Primary Examiner, Art Unit 3671